

STATE OF VERMONT  
DEPARTMENT OF PUBLIC SERVICE

IN RE: THE 2014 VERMONT TELECOMMUNICATIONS  
PLAN

August 25, 2014  
7 p.m.

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1068 Williston Road  
Burlington, Vermont

Public Hearing held before the Vermont  
Department of Public Service, at the Holiday Inn, Oak  
Room, 1068 Williston Road, Burlington, Vermont, on August  
25, 2014, beginning at 7 p.m.

P R E S E N T

Vt. Department of Public Service:

James Porter, Esq., Director of Telecom  
Clay Purvis  
Kiersten Bourgeois

CAPITOL COURT REPORTERS, INC.

P.O. BOX 329

BURLINGTON, VERMONT 05402-0329

(802) 863-6067

(802) 879-4736 (Fax)

EMAIL: [info@capitolcourtreporters.com](mailto:info@capitolcourtreporters.com)

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1           MR. PORTER: Why don't we go ahead and  
2           get started. First off, thank you all for  
3           coming tonight. My name is Jim Porter. I'm  
4           with the Department of Public Service. With  
5           me is Clay Purvis, who is also with the  
6           Department; and Kiersten Bourgeois who is  
7           with Connect Vermont and ACCD.

8           This is our first public hearing, the  
9           2014 public comments draft of the  
10          Telecommunications Plan. We have three more  
11          hearings this week. One in, let's see,  
12          Rutland, one in Brattleboro, and one in  
13          Barre. And then we have one in St.  
14          Johnsbury next week, and then we have a  
15          legislative hearing on Thursday morning.

16          And I think most of you know there is a  
17          draft published on our Web site. We have  
18          also got hard copies here if anybody would  
19          like one. And we are just here to listen to  
20          your comments about the draft plan.

21          We have got a court reporter with us  
22          tonight. And so we will have a transcript  
23          of everything that you say. And typically  
24          we would do a sign-up list, but based on the  
25          crowd, I would just say come on up when and

1 if you're ready to say something.

2 MS. NULTY: Just I wanted to clarify the  
3 process. On the web site -- my name is  
4 Leslie Nulty, N-U-L-T-Y. I'm here in a  
5 personal capacity, but I worked for six  
6 years as the project coordinator for EC  
7 Fiber in Windsor and Orange counties. I  
8 graduated from there in January.

9 On your Web site it says that comments  
10 should be sent via E-mail. I brought copies  
11 here. I don't know what you would prefer.

12 MR. PURVIS: We will take comments in  
13 any way you would like to give them.

14 MR. PORTER: Right.

15 MS. NULTY: Okay. Well I'll give you a  
16 couple of -- so I have some detailed  
17 comments --

18 MR. PURVIS: Thank you.

19 MS. NULTY: -- which I hope you will be  
20 able to look at. I didn't want to take a  
21 lot of time. I didn't know how many people  
22 would be here. So I thought I would just go  
23 through some of the highlights, and then go  
24 to my conclusion which has some alternative  
25 suggestions.

1           I found -- I think you've probably  
2           already heard, because I've seen it in the  
3           press, that the hundred megabits symmetrical  
4           vision is something everybody thinks is  
5           great, but it's not much more than a wish at  
6           the moment. That's how it appears. But  
7           when we look at the nearer-term proposals  
8           and standards and fundamentals in this plan,  
9           there is a lot within it that I found to be  
10          extremely disturbing from a public policy  
11          perspective and from the assessment of  
12          Vermont's current needs, let alone its  
13          future needs.

14          With that introduction, I would like to  
15          hit on just a couple of selected highlights  
16          which do not in any way fully represent my  
17          full comments. I did also want to add that  
18          another very disturbing thing about this  
19          draft is many, many statements of so-called  
20          fact that are in fact completely false and  
21          erroneous. And I really feel that that  
22          needs to be cleaned up before any final  
23          version is issued.

24          So to my specific observations. I would  
25          have hoped that the plan would have

1           reiterated and strengthened Vermont's  
2           previous and current telecom policies.  
3           These include support and advocacy for open  
4           access telecom networks, for net neutrality,  
5           for public access cable channels, and  
6           municipal or other grassroots enterprises to  
7           fill the gaps left by the private for-profit  
8           sector. These have all been embodied in  
9           various pieces of legislation, in drafts of  
10          grant RFPs and so on. But instead this plan  
11          questions and undermines these bedrock  
12          policies, and it raises vague and non-  
13          defined concerns.

14                 And I offer by way of summary just one  
15          example. There are more in my detailed  
16          comments. The document alleges that open  
17          access is not adequately defined. I'll give  
18          you a page reference, yet open access is a  
19          condition adhered to under multi-million  
20          dollar grant awards made to Vermont  
21          companies by the federal government and by  
22          the VTA. FairPoint and Sovernet today  
23          operate open access telecom transport  
24          networks. So there is nothing mysterious  
25          about the notion of open access.

1           In my judgment the plan could have  
2           provided a specific road map to meeting  
3           Vermont's telecom needs by using already  
4           authorized bond authority to create a bond  
5           funded revolving loan fund to help finance  
6           telecom development in less well-served high  
7           cost areas. But rather this plan is  
8           completely silent as to how to meet the  
9           financing challenge, except for in my  
10          judgment, ill-advised advocacy of continued  
11          grant funding.

12          The plan could have recognized the  
13          pressing need for robust band width and  
14          reliability as identified in the 2012  
15          survey. Such capacity is needed today by  
16          Vermont's rural health care system, by small  
17          schools seeking access to greater  
18          educational resources, by Vermont's creative  
19          economy and burgeoning telecom sectors.

20          Instead this plan sets standards for the  
21          definition of quote, broadband, that are so  
22          low as to be dysfunctional today for any  
23          serious business, educational or other  
24          economic development applications vital to  
25          the health of Vermont's economy.

1 I would be happy to give you some  
2 personal examples, just happened today as  
3 someone who is living with poor DSL that  
4 cannot be improved, and in Chittenden  
5 County, not in a remote area.

6 This plan could have supported increased  
7 competition in Vermont's telecom sector by  
8 advocating retracting current  
9 anti-competitive legislation and regulation  
10 and by encouraging diversity in telecom  
11 enterprise structures. Instead, this plan  
12 is silent on the need for legislative  
13 reforms and highly selective in its choice  
14 of regulatory reform options.

15 Again, one example. There is no mention  
16 of the difficulties the Department itself  
17 has had in enforcing current pole attachment  
18 regulations, which delay deployment by and  
19 increase the cost of infrastructure for new  
20 competitors seeking to enter the market.

21 These are just a few of many detailed  
22 concerns that I have in my full comments.  
23 And I would be happy to explore some of  
24 those with you given that we have a rather  
25 small crowd tonight. I offer some



1 alternative ways of looking to the future.  
2 Let's think about what technologies are  
3 really needed to reach 100 megabits per  
4 second symmetrical service by 2024 as you  
5 state in your vision. And if I may say  
6 parenthetically, there is a lot of emphasis  
7 in this paper about speed. For modern  
8 telecom, speed is not a sufficient criteria.  
9 You also have to look at jitter, latency and  
10 reliability. And when you look at all of  
11 these including the speed, there is only one  
12 technological solution that addresses all  
13 those needs, and that is fiber to the user.

14 The state needs to make a commitment to  
15 fiber to the user rather than relying on  
16 technologies that cannot deliver the  
17 connectivity that this plan says it wants to  
18 achieve. The fact of the matter is, neither  
19 4G LTE, nor DSL nor even cable modem today  
20 can deliver one hundred megabits  
21 symmetrical. And it's the upload band width  
22 and latency and jitter that are what the  
23 Vermont economy needs. That's what a  
24 vibrant health care -- rural health care  
25 system needs. That's what an educational

1                   system, rural educational system needs.  
2                   That's what members of the creative economy  
3                   who need to reach a wider market, that's  
4                   what they need. And the other technologies  
5                   cannot deliver that.

6                   So what's the cost of deploying fiber to  
7                   the user in Vermont's rural areas?  
8                   Incumbent for-profit dividend-paying  
9                   companies have publicly stated in testimony  
10                  to the legislature that it costs 65 thousand  
11                  dollars per mile and up. EC Fiber has  
12                  actually deployed fiber to the user at  
13                  \$30,000 per mile, including customer  
14                  connections for an average of six customers  
15                  per mile. EC Fiber has deployed in one of  
16                  the most rural, sparsely-populated areas of  
17                  Vermont at \$30,000 a mile successfully. In  
18                  those areas where EC Fiber was able to use  
19                  the VTA-built Orange County fiber connector  
20                  the cost was reduced by about 25 percent to  
21                  around 23,000 a mile.

22                  Those savings could have been even  
23                  greater actually if the VTA had chosen a  
24                  more optimal route. But in the event it was  
25                  still a boon to EC Fiber's goals.

1           The Vermont Telecom Authority's  
2           deployment of the Orange County fiber  
3           connector which made available fiberoptic  
4           capacity owned by the state but leased to  
5           others for connection to final customers is  
6           a proven model of a public-private  
7           partnership that can be replicated in other  
8           areas. A credible telecom plan should  
9           examine this model and the opportunities for  
10          using it to achieve the fiber deployment  
11          anticipated in your vision.

12          Very little mention is made of this as a  
13          potential model. It's hidden from view.  
14          Other than the LCFC all the State of  
15          Vermont's financial supports to telecom  
16          deployment has been in the form of grants  
17          which you advocate in this draft. This --  
18          by putting all your eggs in the grant basket  
19          you forego the potential leverage to be  
20          gained from a revolving loan fund that could  
21          finance a great deal more infrastructure  
22          than grants alone. To our mind that's a  
23          poor use of scarce public money. We would  
24          recommend that the Vermont connectivity fund  
25          be structured as a revolving loan fund

1                   rather than as a pool for grants as you've  
2                   recommended.

3                   Those are my summary comments. More  
4                   detail within.

5                   MR. PORTER: Thank you.

6                   MR. PURVIS: Is that all you want to say  
7                   or do you want to --

8                   MS. NULTY: Well I can go through the  
9                   whole thing if you really want to hear it  
10                  all.

11                  MR. PURVIS: It's up to you.

12                  MS. NULTY: If you give me permission,  
13                  I'll be happy to talk about that.

14                  MR. PURVIS: Absolutely. Go ahead.

15                  MS. NULTY: Thank you. I'm most  
16                  grateful. The first thing that I looked at  
17                  in -- the first thing I wanted to say is  
18                  that Vermont is the most rural state in the  
19                  U.S. as measured by the proportion of  
20                  population that lives outside of metro  
21                  areas. That's something that's not going to  
22                  change. That is just a fact of life. And  
23                  it is a fact of life that all forms of  
24                  telecom deployment are costly to deploy in  
25                  low-density areas. And Vermont has the

1           fewest high-density areas of any state in  
2           New England or the U.S. as a whole. That's  
3           a fact of life that's not going to change.

4           So when incumbent companies come in and  
5           complain about the high cost of doing  
6           business in Vermont, you have to recognize  
7           that there is not a lot you can do about  
8           that. And that they have a certain pool of  
9           capital, these multi-state enterprises, and  
10          there's been we should say different  
11          behavior between Vermont-based companies and  
12          those that are multi-state companies.  
13          Multi-state company has a pool of capital  
14          that it can deploy anywhere in the U.S. And  
15          it's -- in going through its priority list  
16          Vermont is going to rank relatively low.

17          In my judgment, if we spend our time  
18          trying to bribe or subsidize those kinds of  
19          companies we will simply be chasing our  
20          tail. We should be looking to homegrown  
21          solutions. And that's just going to be a  
22          fact of life.

23          The next thing that I address is the  
24          specifics of getting an accurate picture of  
25          the status quo. This draft plan advocates a

1 standard for the division of connectivity as  
2 four megabits down, one megabit up now, and  
3 10 down, one up in 2017.

4 As I said earlier, it's the upload band  
5 width that is critical for Vermont's  
6 economic development for it to become  
7 anything other than a complete backwater.  
8 And to the extent that a plan hangs its hat  
9 on this kind of standard, Vermont in my  
10 judgment, is simply going to fall further  
11 and further behind our near neighbors, the  
12 rest of the country, and the world. And in  
13 fact, if you look at the results of your  
14 2012 survey, because I didn't have the 2014  
15 available to me at the time, the same  
16 percentage of respondents that replied that  
17 upload -- that download was most important  
18 to them, comparable percentage of  
19 respondents said that upload was most  
20 important. You must pay attention to this.  
21 And you must pay attention to the other  
22 characteristics of connectivity; latency and  
23 jitter and reliability.

24 The plan also proceeds from the notion  
25 that from a consumer's point of view the

1 Vermont telecom market is competitive. That  
2 is not the case. Outside town centers most  
3 Vermonsters have access only to poor quality  
4 and expensive satellite service, and perhaps  
5 one other provider. The state has put a lot  
6 of reliance on the success of VTel's WOW  
7 deployment, wireless open world.

8 Unfortunately that technology, 4G LTE, is  
9 being rejected across the country as  
10 inadequate to today's broadband needs. You  
11 yourself cited the experience in Long Island  
12 after Hurricane Sandy when Verizon tried to  
13 worm out; Verizon's landline -- existing  
14 landline network was destroyed. It wanted  
15 to bring in 4G LTE. Everybody rose up  
16 screaming, and they had to back down and  
17 deploy fiber, because consumers know that  
18 that is the solution. That's the solution  
19 for today, not for 10 years from now.

20 And you know, there is going to come a  
21 point when if the state persists in relying  
22 on what consumers know is an inadequate  
23 infrastructure, they will make their voices  
24 heard. And I would think that would be  
25 something that the administration would

1 really want to avoid. You proceed -- the  
2 plan proceeds from a statement that 20  
3 megabits broadband service is quote,  
4 available at most locations in 2013, that  
5 that goal was achieved. I don't know what  
6 your factual basis is for that. I can tell  
7 you from my own experience in Chittenden  
8 County that is absolutely not so, let alone  
9 the rest of the state.

10 The plan states that Burlington Telecom  
11 is the only municipal telecom provider in  
12 the state. That is not true. EC Fiber is a  
13 municipal entity. And because of a  
14 different governance structure it's avoided  
15 a lot of the problems that we know have  
16 plagued BT. The fact of the matter is there  
17 are hundreds of successful municipal fiber-  
18 to-the-user deployments all over the United  
19 States. And those cities and towns where  
20 they are being deployed are booming as a  
21 result. And yet this plan shies away from  
22 that as a possible model.

23 The plan states that DSL is quote, the  
24 best available broadband option in rural  
25 areas of Vermont. V-Tel has fiber in a



1 rural area. Waitsfield-Champlain Telecom  
2 has fiber in rural areas. EC Fiber has  
3 fiber in rural areas. Low density, high  
4 megabit per second, low latency, low jitter,  
5 state-of-the-art networks, and they are  
6 ignored by this document.

7 One significant item that I would like  
8 to draw your attention to has to do with the  
9 pole attachment issue. EC Fiber has brought  
10 to the Department's attention problems with  
11 enforcement of pole attachment rules. The  
12 fact that utility pole owners do not  
13 complete make-ready according to the  
14 requirements of the rule. They delay.  
15 Sometimes they take the money and don't even  
16 do the work. And the Department is not  
17 enforcing this rule. And that is a huge  
18 barrier to competition and effective  
19 deployment of fiber in this state. It's not  
20 even mentioned in this document.

21 So the plan also goes on in discussing  
22 cable modem service to state that coax cable  
23 facilities provide the fastest broadband  
24 Internet in the state. Quote unquote. Also  
25 erroneous. The fastest broadband in the

1 state is provided by those who are using  
2 fiber to the user. Those are the critical  
3 areas that I identified.

4 My earlier testimony tried to point you  
5 into what I believe will be more productive,  
6 fruitful and successful options for the  
7 future of telecom in Vermont. But as it  
8 stands right now, I don't think -- this plan  
9 not only will it not fulfill the promise  
10 that you hold out, I feel it will actually  
11 create significant barriers to fulfilling  
12 that promise.

13 That's it.

14 MR. PORTER: Thank you.

15 MS. NULTY: Sorry.

16 MR. PORTER: We are glad to have your  
17 opinion.

18 MS. NULTY: Thank you.

19 MR. PORTER: Anybody else?

20 MR. LARKIN: My name is Charles Larkin.  
21 I represent myself. I'm a former Telecom  
22 Engineer for the Department of Public  
23 Service. And I almost wonder why we don't  
24 just close up all the hearings and go home  
25 after Ms. Nulty's testimony. I think she

1 covered the waterfront.

2 But in regard to the quality of service,  
3 you know 30 V.S.A. 202(C) parens B, little  
4 B, parens 4, shall provide for high quality,  
5 reliable telecommunications services for  
6 Vermont businesses and residences. Looking  
7 at quality of service I saw a news article  
8 that said when Sharon went out for five days  
9 or more, it was five days before the  
10 Department even knew about it. That would  
11 be a lack of some kind of reporting system  
12 on the part of the company.

13 E-911 failure. The report in the paper  
14 was that was some kind of systems failure,  
15 by the systems -- E-911 system manager up in  
16 Colorado. And thus makes me -- leads me to  
17 believe that these two issues, these two  
18 incidents, demonstrate the lack of anything  
19 in the plan that talks about specific  
20 reliabilities. Do you have a plan for  
21 reporting of all outages? Do you have a  
22 plan that tells, thus the E-911 that we now  
23 have, with an out-of-state manager is  
24 somehow involved, is that truly reliable?  
25 More reliable than a Vermont system?

1 Vermont-based system with a Vermont-based  
2 manager and server. And have you some kind  
3 of report where you've evaluated these  
4 alternatives to E-911 service? Do you have  
5 some kind of plan to get some kind of SONET  
6 self-healing rings around the state?  
7 Backbone either by one company, by VTA,  
8 expanding off of its arm's work, by some  
9 kind of a joining together of different  
10 pieces of equipment by different vendors,  
11 FairPoint or Comcast, any of them can get  
12 together perhaps and help create such a  
13 series of rings which would give --  
14 particularly if they are redundant, not just  
15 within the same fiber or redundant different  
16 fibers, different routes. You don't want to  
17 have it on the same pole lines even. Never  
18 mind the same fiber, the same pole lines,  
19 even the same street. You want to have it  
20 on different routes. You need all these  
21 things.

22 There is an issue of confidentiality.  
23 You are required to do survey -- I'm sorry  
24 -- assessments of current state  
25 infrastructure information, assessments of

1           the state's current telecom systems, and  
2           evaluations of alternatives upgraded to the  
3           best possible level, assessments of our own  
4           system as compared to other states. How are  
5           you going to do all that unless you get all  
6           of the information you would need on the  
7           existing fiber by all of the owners of this  
8           fiber? Starting from BT up, VTrans,  
9           anybody, state fiber, private fiber. Until  
10          you know that, you won't be able to do your  
11          surveys, your assessments. And if you don't  
12          know that, the public won't know that. And  
13          if they don't know that, how can a potential  
14          competitor who would like to use existing  
15          plant make a plan if they don't have any  
16          idea how much fiber is out there, by way of  
17          pairs, what pairs are lit, what pairs are  
18          dark, what pairs are being held for a  
19          reasonable need of the owner, if you don't  
20          know that.

21               And somebody like the Board is not  
22               setting rates, then these potential users  
23               cannot even begin to figure how to get on.  
24               They might figure out some small segment,  
25               but not the whole system. So I believe that

1 I've said enough. I -- as I say, I feel  
2 embarrassed for the riches that Ms. Nulty  
3 gave us of points. I hope that you would  
4 give them serious consideration and modify  
5 your draft. Thank you.

6 Thank you. I assume no questions.

7 MR. PORTER: Anybody else?

8 MS. SIRVIS: You looked at me, so I feel  
9 like I have to come.

10 MR. PORTER: You don't have to.

11 MS. SIRVIS: I'm Barbara Sirvis, S-I-R-V  
12 -I-S. I'm here on my own. I just have a  
13 couple of comments. I apologize for the  
14 fact that I have not read it, but I had to  
15 go to California for a funeral over the  
16 weekend and that had to take precedence over  
17 being prepared for tonight.

18 I'm a little -- no, I'm a lot concerned  
19 by what I've heard so far. But rather than  
20 addressing the substance, I have a couple of  
21 things that I would hope to see, and I came  
22 tonight to listen because I thought there  
23 might be some sort of overview of what's in  
24 there. As a consumer, and that's really my  
25 role, I'm not a geek so to speak. I am a

1           retired college president and dealt with  
2           issues around technology access for students  
3           at a small, poor college. So -- and I also  
4           spend the winters now that I'm retired in  
5           the California desert where I have access to  
6           fiber. And I have seen the difference, and  
7           I live with it every winter, and I get very  
8           excited about it.

9           So this is being recorded; isn't it? I  
10          would simply say that I am less than charmed  
11          with the current provider of service in this  
12          state. They have been difficult to work  
13          with. They have messed up my bills for  
14          years. And the quality of the Internet  
15          access that I get is not terrific. But it's  
16          basically -- even though I live in South  
17          Burlington, there are not a lot of options  
18          in terms of looking at something other than  
19          the two service providers that seem to be  
20          available to me and that will allow me to  
21          leave for the winter and not charge me a  
22          hundred dollars a month to keep my service.  
23          So there are some things around my situation  
24          that may be different than they are for  
25          others, and I want to acknowledge that.

1                   But I certainly think that we -- you,  
2                   it's not we, I would love to help, but I  
3                   can't. It's out of my purview.

4                   The comments about fiber are critical.  
5                   For my money, one of the most important  
6                   things that we need to do first is to make  
7                   sure that we have cell service everywhere.  
8                   It is simply not safe. And I've driven up  
9                   and down this state for the 16, 17 years  
10                  I've lived here, and I worry about that.  
11                  And I worry about young people who are out  
12                  only doing, you know, gathering socially,  
13                  but who are driving cars at a young age, and  
14                  they need to know that they can call for  
15                  help if the car breaks down, because they  
16                  probably don't know how to fix it any better  
17                  than I do. But I have great concern about  
18                  that. This is a pretty safe state that we  
19                  live in, but even so, if you're in those  
20                  rural areas and there is not even a  
21                  farmhouse for five or 10 miles, that's  
22                  pretty scary at 10:00 at night in January.

23                  So my priorities are fiber, as much as  
24                  we can pull, and also to make sure that  
25                  there is cell service, if not for anything



1           other than the E-911 function, but hopefully  
2           for everybody to have that. The reality is  
3           that people far younger than I am don't even  
4           own a landline, and they are not going to.  
5           And so we need to make that opportunity  
6           available to them.

7           I'm afraid we don't, at least right  
8           here, have the providers that would be the  
9           best to be able to do that. But there may  
10          be some way that you can incentivise  
11          somebody else other than the one that's  
12          received an incentive and encourage them,  
13          could you ask Verizon to come back? That  
14          I'm not sure what the answer is. And I  
15          would yield to my colleagues in terms of  
16          their expertise. But simply add my voice to  
17          the plea for E-911 service and cell service  
18          and fiber as much as you can pull.

19          MR. PORTER: Can I ask you a question?

20          MS. SIRVIS: Sure.

21          MR. PORTER: You were talking earlier  
22          about your -- you have a seasonal rate, I'm  
23          guessing, with one company.

24          MS. SIRVIS: Yes.

25          MR. PORTER: The other company doesn't

1 offer that.

2 MS. SIRVIS: Right.

3 MR. PORTER: If they did, would that tip  
4 the -- would that be the deciding factor?  
5 Because I presume they offer a better speed  
6 to you.

7 MS. SIRVIS: Well what I'm sort of  
8 debating right now, I mean Vermont is home.  
9 This is where I vote. This is where I pay  
10 taxes. This is whatever. But I have  
11 another option for the winter now that I'm  
12 retired. And for mental health I need to do  
13 that.

14 The seasonal option I really have  
15 considered simply getting rid of my landline  
16 because it is so difficult. I went 36  
17 months with the bill being wrong every  
18 month, the first time that I went to  
19 seasonal. They finally got it right this  
20 year. I have been retired for seven years.

21 And with the other provider in terms of  
22 seasonal, I've talked to them about that  
23 even in terms of my cable service. They  
24 want astronomical amounts of money, and what  
25 they have taught me is that the last thing I

1 do on about December 12 is take out all of  
2 my cable equipment, and I drop it off, and I  
3 discontinue my cable service. And when I  
4 come back, as long as you discontinue for  
5 120 days, you become a new customer. And so  
6 I start again with the --

7 MR. PORTER: The whole process.

8 MS. SIRVIS: \$79.99 whatever it is for  
9 the world package. That offer goes for six  
10 months, and I only end up having three  
11 months worth of full bills. So --

12 MS. NULTY: Good for you.

13 MS. SIRVIS: Well interestingly enough  
14 they taught me that.

15 MR. PORTER: Yeah.

16 MS. SIRVIS: One of their staff said  
17 here's the best thing for you to do. If  
18 they had a package -- I mean I currently pay  
19 the bad provider I think about \$20 a month  
20 when I'm gone for the winter just to keep my  
21 phone number, because I don't want to notify  
22 everybody that it changes. I just want to  
23 come back.

24 MR. PORTER: Right.

25 MS. SIRVIS: That's what I would have to

1 do with the other provider. If the other  
2 provider offered me -- let me tell you what  
3 happened in California.

4 My mom has a condo there which I now  
5 live in it for the winter. And I have  
6 service files with all of those things. I  
7 leave the equipment in my house. I shut off  
8 the Internet, I shut off the cable, I shut  
9 off the phone, but the equipment stays.

10 MR. PORTER: Can I ask who your provider  
11 is out there?

12 MS. SIRVIS: Verizon. They charge me 14  
13 dollars a month. I'm happy to pay that 14  
14 dollars a month because I call them up the  
15 day before I'm going to get there and say;  
16 I'll be there tomorrow, can you turn it on?  
17 And I walk in the door and everything is  
18 turned on. So it makes very good sense.

19 And if the other provider -- we can call  
20 it Comcast by name because I'm not saying  
21 anything bad about them. If they provided  
22 an option like that, I would pay 14 dollars  
23 a month and just leave the equipment in my  
24 house. And I would probably switch my  
25 Internet and my landline. The only reason I

1 keep it with the other provider is cost. It  
2 is cheaper to have -- I don't really use my  
3 landline except for 800 or incoming calls.  
4 So I've got whatever the basic service is.  
5 And when I leave for the winter, they charge  
6 me five dollars a month to leave the  
7 Internet there. So it goes from 50 some  
8 dollars a month to 25. If I got rid of my  
9 landline and moved my Internet service to  
10 Comcast, the cost of Internet would be  
11 higher than it is if I keep it with the  
12 other provider. Did that make sense?

13 MR. PORTER: Yes.

14 MS. SIRVIS: Okay.

15 MR. PORTER: We understand it. I'm not  
16 sure it makes sense.

17 MS. SIRVIS: Did I explain it so that --

18 MR. PORTER: Yeah. We're familiar with  
19 it, yeah.

20 MS. SIRVIS: It's really -- it is how  
21 can I maximize the use of my dollars and do  
22 that wisely. I'm not crazy about the  
23 service that I get. But it's way too  
24 expensive for me to leave cable unattended  
25 for four or five months than it is the other

1 way.

2 So if they came up with a more creative  
3 approach to seasonal, I would probably  
4 switch everything to them.

5 MR. PORTER: Okay.

6 MS. SIRVIS: So like I said, I have not  
7 the technological expertise, but I can tell  
8 you what it's like for a consumer. And I  
9 live in Chittenden County. I lived in  
10 Bennington County for nine years before I  
11 retired here. And cell service was an  
12 interesting adventure. And I didn't have  
13 the multiple choices that I have here, in  
14 terms of landline and cell and all the rest  
15 of it. And it may be better now. But I'm  
16 not terribly optimistic. I still go down  
17 there, and there are big blocks where I have  
18 no cell service.

19 So hopefully that gives you the  
20 perspective of the consumer.

21 MR. PORTER: Thank you. That's a good  
22 perspective. I hope you get a copy --

23 MS. SIRVIS: I have one. Thank you.  
24 Thanks.

25 MR. PORTER: Okay.

1 MS. NULTY: My husband asked me to share  
2 with you a little consumer story from today  
3 which dovetails with some of my other  
4 comments. One of the things I talked about  
5 was the importance of upload, quality band  
6 width, particularly from Vermont's creative  
7 economy, the designers, physicians, artists  
8 who have to reach out to a wider market than  
9 is available in Vermont.

10 My husband's been trying to learn the  
11 accordion. He had a couple of local  
12 teachers. They all left town. He found an  
13 accordion teacher in Austin, Texas who  
14 provides accordion lessons over the  
15 Internet. We live in Jericho. We have bad  
16 DSL. We can't get anything better than 768  
17 upload. My husband's been trying to do his  
18 accordion lessons via Skype with his teacher  
19 in Texas. It absolutely doesn't work.

20 Fortunately our son lives in Burlington,  
21 has Burlington Telecom. He will make an  
22 arrangement to come to my son's house when  
23 he has to do the accordion lesson. There  
24 are a lot of musicians in Vermont who could  
25 make good money if they had sufficient

1                   connectivity to offer lessons or to audition  
2                   for gigs over the Internet. Except for  
3                   these few places where there is fiberoptic  
4                   service, they can't do it. That's part of  
5                   Vermont's future.

6                   And I don't see -- I would like to see a  
7                   telecom plan that includes those people and  
8                   their needs. That's what Vermont's talking  
9                   about when it's talking about its future  
10                  economic development. We are talking about  
11                  software developers. We are talking about  
12                  designers. We are talking about award-  
13                  winning -- international, award-winning  
14                  architect firms. These firms need robust  
15                  connectivity, not the kind of standards that  
16                  the draft plan is advocating. We need to be  
17                  more ambitious. Thank you.

18                 MR. PORTER: Thanks.

19                 MR. WHITAKER: I get -- I'll throw a few  
20                 words in there since there is time  
21                 available. For the record I'm Steven  
22                 Whitaker from Montpelier.

23                 On the process issue again, I feel like  
24                 I'm -- I might be repeating some of what I  
25                 told you in your March hearing. That to a



1 degree the Department is responsible for the  
2 lack of attendance here and not doing the  
3 plan for 10 years, missing three full  
4 iterations, and letting the public  
5 engagement of the whole Telecommunications  
6 Planning process atrophy.

7 Now I've made a very specific proposal  
8 to your Commissioner of how to use the  
9 access media organizations and a series of  
10 roving workshops to educate the public, let  
11 the AMOs market the event, bring people  
12 together, videotape it, to use an outdated  
13 term, videotape, and educate the public on  
14 what the infrastructure in their area can do  
15 and cannot do, and what the options are.

16 I notice the survey that was delivered  
17 today is a survey of residences. The  
18 surveys of business --

19 MR. PURVIS: It's also business.

20 MR. WHITTAKER: There's another one?  
21 Okay. I'll take a look. Thanks.

22 With regard to this draft, not so much  
23 the process, I think I've belabored that  
24 point. The assessment of the current state  
25 telecommunications infrastructure would

1           really need to describe exactly where, what  
2           services are available. Not in general,  
3           broad franchise areas, but we need to know  
4           where our fiber is. We need to know where  
5           our coax is. We need to know where the  
6           fiber is 20 years old. I mean where the  
7           copper, FairPoint, and where it's been  
8           replaced.

9           Assessment of the state systems. Now  
10          that's totally missing. There is a whole  
11          bunch of things that are totally missing, if  
12          you have a technical read of the statute.  
13          You must be aware of that. No? The state  
14          recently built an ethernet ring around, I  
15          believe, Burlington, Rutland, Montpelier at  
16          least, 10 gigabit per second. That's got to  
17          be riding on fiber. It's hopefully  
18          protected, redundant ring architecture.

19          The question is, who else is it riding  
20          on? Is it riding on Level 3, is it riding  
21          on Burlington Telecom? Is it -- how  
22          reliable is it? What could have been done  
23          to make it more reliable? I mean are we now  
24          putting the entire state government  
25          operations in one basket of one potential

1 failed equipment?

2 I mean these are the questions that need  
3 to be explored in your assessment of the  
4 state's telecom infrastructure. The  
5 microwave network is totally missing from  
6 the draft, the state colleges' network.  
7 There is a whole bunch of pieces that were  
8 done in earlier drafts and were presented  
9 that -- my point is, that in order to  
10 reengage the public and educate the public  
11 on how to participate in this process and  
12 give you meaningful feedback, you really  
13 need to do the homework meticulously of  
14 what's laid out in the statute.

15 Even to the point of these hearings.  
16 Hearings are to be held on the final draft.  
17 You've only issued the public comment draft.  
18 So are we going to have a whole another set  
19 of hearings and court reporter costs? Good  
20 for you. When you finally get a final  
21 draft? And how are you going to get it  
22 adopted by September one?

23 There is no way to not be critical of  
24 what's happened here. I'll have more to say  
25 on specifics, you know, in subsequent

1                   hearings, specific areas of it. But I  
2                   thought it important to put on the record  
3                   that the process, and as long as you want --  
4                   the Department puts forth the poker face and  
5                   doesn't acknowledge its failure, it doesn't  
6                   -- it lacks the credibility to reengage with  
7                   the public. I mean that's a fundamental  
8                   rule of public relations. And I feel like  
9                   the Department's advocacy role has really  
10                  been damaged over the last decade or so.

11                 That's all I have for tonight.

12                 MR. PORTER: Thank you. Anyone else?

13                 (No response.)

14                 MR. PORTER: Well thank you all very  
15                 much. Some really, really good comments and  
16                 some good stuff to think about tonight.

17                 MS. NULTY: Thanks for the opportunity.

18                 MR. PORTER: We appreciate your coming.

19                 (Whereupon, the proceeding was  
20                 adjourned at 7:46 p.m.)

## C E R T I F I C A T E

I, Kim U. Sears, do hereby certify that I recorded by stenographic means the public hearing re: 2014 Vermont Telecommunications Plan, at the Holiday Inn, Oak Room, 1068 Williston Road, Burlington, Vermont, on August 25, 2014, beginning at 7 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting and the foregoing 36 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 27th day of August, 2014.

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Kim U. Sears, RPR

